HOUSE OF LORDS

Delegated Powers and Regulatory Reform Committee

22nd Report of Session 2019–21

Immigration and Social Security Co-ordination (EU Withdrawal) Bill

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The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session and has the following terms of reference:

(i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(ii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(iii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008.

Membership

The members of the Delegated Powers and Regulatory Reform Committee who agreed this report are:

Baroness Andrews
Lord Blencathra (Chair)
Baroness Browning
Lord Goddard of Stockport
Lord Haselhurst
Lord Haskel
Baroness Meacher
Lord Rowlands
Lord Thurlow
Lord Tope

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Contacts for the Delegated Powers and Regulatory Reform Committee

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Historical Note

In February 1992, the Select Committee on the Committee work of the House, under the chairmanship of Earl Jellicoe, noted that "in recent years there has been considerable disquiet over the problem of wide and sometimes ill-defined order-making powers which give Ministers unlimited discretion" (Session 1991–92, HL Paper 35-I, paragraph 133). The Committee recommended the establishment of a delegated powers scrutiny committee which would, it suggested, "be well suited to the revising function of the House". As a result, the Select Committee on the Scrutiny of Delegated Powers was appointed experimentally in the following session. It was established as a sessional committee from the beginning of Session 1994–95. The Committee also has responsibility for scrutinising legislative reform orders under the Legislative and Regulatory Reform Act 2006 and certain instruments made under other Acts specified in the Committee's terms of reference.

Twenty Second Report

IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL

1. This Brexit-related Bill was passed by the House of Commons on 30 June 2020. It had its Second Reading in the House of Lords on 22 July 2020.

2. It replaces a Bill of the same title which fell upon the dissolution of Parliament before the December 2019 General Election. We considered that Bill in our 46th Report of Session 2017–19. As the new Bill is little changed,[1] this Report covers much of the same ground as our earlier Report.

3. The Bill has two principal parts:

   - Part 1 (measures relating to ending free movement) ends rights to free movement of persons under "retained EU law".[2] It makes citizens of the European Economic Area countries[3] and Switzerland (collectively referred to below as "EEA citizens") and their family members subject to UK immigration controls. The result is that EEA citizens (apart from Irish citizens) and their family members will require permission to enter and remain in the UK under the Immigration Act 1971;

   - Part 2 (social security co-ordination) confers powers on Ministers to amend retained EU legislation relating to the co-ordination of access to social security for individuals moving between EEA countries.

4. The Home Office has provided a Delegated Powers Memorandum ("the Memorandum").[4]

5. We draw to the attention of the House the very significant delegations of power in clause 4 (relating to ending free movement) and clause 5 (relating to social security co-ordination) of the Bill, which have potentially significant implications for EEA citizens in the UK and UK citizens in EEA countries.

Part 1 - Measures relating to ending free movement

Background

6. EU law gives EEA citizens and their family members rights to move and reside freely within the EEA countries. These are known as rights to "free movement". Free movement between EEA countries is governed primarily by the EU Free Movement Directive (Directive 2004/38/EC). The Directive

1 Minor changes were made to avoid duplication of changes already made by regulations made under the European Union (Withdrawal) Act 2018. In addition, on 30 June 2020, the Bill was amended in the House of Commons so as not to engage the legislative consent process in the Scottish Parliament, following confirmation that the Scottish Government would not bring forward a legislative consent motion in the Scottish Parliament in respect of the social security co-ordination provisions in Part 2 of the Bill.

2 "Retained EU law" means the body of law that is retained as part of UK law by the European Union (Withdrawal) Act 2018. It includes "retained direct EU legislation" (which is converted from EU-made law of the kind which applies automatically in Member States) and "EU-derived domestic legislation" (UK statutory instruments made or primary legislation passed in order to implement EU law requirements).

3 The EU Member States plus Iceland, Liechtenstein and Norway.

4 Delegated Powers Memorandum, Home Office, dated 24 July 2020.

is primarily implemented in UK law through the Immigration (European Economic Area) Regulations 2016.[5]

7. Free movement has given rise to two distinct immigration systems in the UK—

- one for EEA citizens and their family members: they enjoy rights to enter and reside in the UK without the need to obtain leave under the Immigration Act 1971 ("the 1971 Act"); and
- one for non-EEA citizens (other than those who are family members of EEA citizens): they require permission to enter and reside in the UK under the 1971 Act. Permission is given, or refused, on a case-by-case basis according to the UK Immigration Rules. Those Rules are made and laid before Parliament under the 1971 Act.

8. Although the UK is no longer a member of the EU, free movement rules continue to apply in UK law (by virtue of the European Union (Withdrawal) Act 2018 ("the EUWA 2018")) until the end of the transition period[6] and thereafter until the retained EU law on free movement is repealed.

9. Part 1 of the Bill repeals the main retained EU law on free movement. The Government intend this repeal to have effect from the end of the transition period.[7] The Bill does not set out how the domestic immigration framework will apply to EEA citizens after that point (for example, the requirements to be met to come to the UK as a worker, student or family member) but the Government intend that EEA citizens and their family members will be subject to UK immigration laws and, unless they are Irish citizens,[8] will be required to have permission under the 1971 Act if they wish to enter and remain in the UK. The Government intend to put in place a points-based immigration system for both EEA and non-EEA citizens. The requirements that will apply under that system will be set out in the Immigration Rules.

10. However, the UK-EU Withdrawal Agreement protects the residence rights of EEA citizens and their family members who are resident in the UK by the end of the transition period. Provision is made in the European Union (Withdrawal Agreement) Act 2020 ("the EUWAA 2020") to implement that. To that end, there is an EU Settlement Scheme[9] which allows EEA citizens and their family members to apply for UK immigration status under which their existing rights continue. Those individuals who have the right to apply under the Scheme will have until 30 June 2021 to do so, provided they arrived in the UK by the end of 2020.

Clause 4 (power to make consequential etc. provision in relation to ending free movement)

11. Clause 4(1) confers power on the Secretary of State to make regulations containing "such provision as the Secretary of State considers appropriate in consequence of, or in connection with, any provision of [Part 1 of the Bill]".

5 SI 2016/1052.
6 The period agreed in the UK-EU Withdrawal Agreement during which the UK is no longer a member of the EU but continues to be subject to EU rules and remains a member of the single market and customs union.
7 See para 8 of the Explanatory Notes to the Bill.
8 Clause 2 of the Bill amends the 1971 Act so that Irish citizens will retain rights equivalent to existing free movement rights.
9 The Scheme fully opened on 30 March 2019.

12. The combination of (a) the permissive concept of 'appropriateness', (b) the words "in connection with [Part 1 of the Bill]", (c) the subject matter of Part 1 (ending free movement), and (d) the large number of persons who will be affected, make this a very significant delegation of power from Parliament to the Executive.

13. The scope of the power is expanded further by subsections (2) to (5) of clause 4. These allow the regulations—

- to modify primary legislation (making this a Henry VIII power);
- to modify retained direct EU legislation[10] (including "retained direct principal EU legislation", which is given a status similar to primary legislation by section 7 of the EUWA 2018);
- to amend secondary legislation made under section 2(2) of the European Communities Act 1972 to implement EU law requirements;
- to make supplementary, incidental, transitional, transitory or saving provision;
- to make provision about persons who, immediately before the repeals made by Part 1 of the Bill, were not entitled to enter or remain in the UK without leave (this would include EEA citizens in the UK who do not have a right to reside under EU law because, for example, they are not in work);
- to modify provision relating to the imposition of fees or charges which is made by or under primary legislation.

14. The context in which the power is conferred is also significant. As the Memorandum acknowledges: "This Bill creates a substantial change to immigration law".[11] In addition, there will be provision across legislation covering a wide range of subjects which it might be considered "appropriate" to amend "in consequence of" or "in connection with" the ending of free movement–and that goes to the breadth and significance of the power. Further, with the Bill ending free movement but putting nothing in its place, what might be considered "appropriate in consequence of or in connection with" this is less clear–but potentially more wide-ranging–than were the Bill to end free movement and replace it with a new system.

Justification for the delegation

15. The Memorandum provides the following justification for the power:

> "There are references to free movement and related matters across the statute book in both primary and secondary legislation. It is therefore necessary for the Bill to contain a power wide enough to deal with consequential amendments, including consequential amendments to primary legislation, by secondary legislation once Parliament has

10 Retained direct EU legislation is a type of retained EU law. It is converted by the EUWA 2018 from EU-made law of the kind which applies automatically in Member States (including EU Regulations and Decisions). It is neither primary nor secondary legislation. It is a new category of domestic legislation created by the EUWA 2018. That Act distinguishes between "retained direct principal EU legislation" and "retained direct minor EU legislation". The former (which includes legislation converted from EU Regulations) has a status under the EUWA 2018 which is similar to primary legislation.

11 See para 13 of the Memorandum.

> approved the principle of the repeal of free movement law. Further, the power will be able to make consequential amendments to the retained direct EU law, which will have been incorporated into UK law by the EUWA 2018.
>
> The power is limited to making amendments consequential to, or in connection with, Part 1 of the Bill itself, and not to consequences of withdrawal from the EU more generally. For example, the power could be used to align the position of EEA citizens with that of non-EEA citizens in the sham marriage context, to make changes to the voluntary removal regime for EEA citizens; it will also enable consequential provision to be made to reflect the status of Irish citizens in consequence of clause 2. Some of these changes will be to primary legislation and some will be to secondary legislation, but all will be required as a consequence of or in connection with the provisions of Part 1 of the Bill."[12]

16. It is common for Bills to include a clause, typically at the end of a Bill, enabling Ministers to make regulations to tidy up the statute book in consequence of substantive changes in the law made by earlier clauses in the Bill. However, typically where there is a clause of that kind, the Bill itself makes consequential amendments and the power to make further such amendments by regulations is a sort of back-stop, to pick up amendments of a similar kind that may have been missed in the Bill: so it is a relatively narrowly-drawn power.

17. We have on several previous occasions raised objections to widely drawn powers to make consequential changes. For example, in our Report on the Neighbourhood Planning Bill,[13] which conferred a power on the Secretary of State to make such provision as he or she considered appropriate in consequence of the Bill, we said:

> "… we are far from convinced that it is appropriate for Ministers to be given such loosely-drawn powers. We therefore invite the House to consider whether a power to make consequential provision should be restricted by some type of objective test of necessity, rather than leaving this to the subjective judgment of the Secretary of State".[14]

18. Clause 4(1) is even wider than the corresponding clause in the Neighbourhood Planning Bill, because it allows the Secretary of State not only to make regulations "in consequence of [Part 1 of the Bill]", but also "in connection with [Part 1 of the Bill]". What "in connection with" is intended to mean is not clear–and the Memorandum does not assist–but it is no doubt intended to add to the breadth of the power.

19. **As we said in our earlier Report, we are frankly disturbed that the Government should consider it appropriate to include the words "in connection with". This would confer permanent powers on Ministers to make whatever legislation they considered appropriate, provided there was at least some connection with Part 1, however tenuous; and**

12 See paras 13 and 14 of the Memorandum.
13 Delegated Powers and Regulatory Reform Committee, 15th Report, Session 2016–17, HL Paper 104.
14 *Ibid.*, para 55.

to do so by negative procedure regulations (assuming no amendment was made to primary legislation).[15]

Parliamentary scrutiny of regulations

20. The first set of regulations made under clause 4(1) is subject to the 'made affirmative' procedure rather than the more usual 'draft affirmative' procedure. Made affirmative regulations come into force before they are debated, but they cease to have effect if they are not approved by both Houses within a certain number of days (in the present case, 40 days) of making (subject to extension for periods of dissolution, prorogation, or adjournment for more than four days). This means that the first regulations–which may contain significant provision–could in practice be in force for considerably longer than 40 days without any Parliamentary consideration.

21. The explanation given for this in the Memorandum is that "This is to enable the regulations to come into force alongside the commencement of Part 1 of the Bill on the intended date of 31 December 2020 (the end of the transition period)."[16]

22. We do not find this explanation convincing, particularly as the Government will have seen from our earlier Report that we had doubts about why the first set of regulations was not to be submitted for Parliamentary scrutiny in the normal way.

23. Subsequent regulations under clause 4(1) are subject to the more usual 'draft affirmative' procedure[17] but only if they include provision which amends or repeals primary legislation. This means that the negative procedure applies even if the regulations amend or repeal "retained direct principal EU legislation".[18] By contrast, the general approach in the EUWAA 2020 is that the affirmative procedure is mandatory where regulations modify retained direct principal EU legislation. Yet the Memorandum does not acknowledge this or explain why it is considered appropriate for regulations under clause 4 which amend such legislation to be subject only to the negative procedure.

Transitional and saving provision

24. The power in clause 4(1) may be used to make supplementary, incidental, transitional, transitory or saving provision.[19] The Memorandum states that "such provision will be crucial to the implementation of the Bill"[20] and that it is anticipated that it will be used to, for example—

> "protect the rights of EEA citizens who are resident in the UK before the end of the transition period, that would otherwise be affected by the Bill, for example, so persons who have an EEA right of appeal pending at the

15 See Delegated Powers and Regulatory Reform Committee, 46th Report, Session 2017–19, HL Paper 275, para 30.
16 See para 22 of the Memorandum.
17 This requires the regulations to be approved in draft by resolution of each House before they may be made.
18 See footnote 10 *ante*.
19 See clause 4(3) of the Bill.
20 See para 15 of the Memorandum.

point at which the repeal of section 109 of the Nationality, Immigration and Asylum Act 2002 is commenced do not lose that right of appeal."[21]

25. The continued residence rights of some EEA citizens resident in the UK at the end of the transition period (including those who have not applied for UK immigration status under the EU Settlement Scheme before the cut-off point) would be dependent on Ministers making transitional and saving provision in regulations under clause 4.

26. **We remain of the view, expressed in our earlier Report, that transitional arrangements to protect existing legal rights of EEA citizens should appear on the face of the Bill, and not simply be left to regulations, particularly as—**

(a) **the first set of regulations made under clause 4(1) is subject to the 'made affirmative' procedure, which provides no opportunity for Parliamentary scrutiny until after they have been made and come into force; and**

(b) **subsequent changes could be made by regulations subject only to the negative procedure.**

Fees and charges

27. We also continue to have significant concerns about clause 4(5). This allows regulations under clause 4(1) to "modify provision relating to the imposition of fees or charges which is made by or under primary legislation". The Memorandum says it is included "to enable the coherent functioning of provisions which will be amended as a consequence of, or in connection with, the repeal of free movement law".[22] This downplays the significance of subsection (5): in fact, it confers broad discretion on Ministers to levy fees or charges on any person seeking leave to enter or remain in the UK who, before the end of the transition period, would have had free movement rights under EU law.

28. **We remain of the view, expressed in our earlier Report, that clause 4(1) contains an inappropriate delegation of power and that the Bill should be amended so that:**

- **the words "or in connection with" are removed from clause 4(1);**
- **consequential amendments are included in the Bill itself, but with a power to add others (subject to a test of necessity) by regulations (subject to the affirmative procedure if primary legislation or retained direct principal EU legislation is amended or repealed);**
- **transitional protections for EEA nationals who are resident in the UK before the end of the transition period are included on the face of the Bill;**

21 *Ibid.* Section 109 of the 2002 Act confers power to make regulations about appeals, by persons with rights under EU law, against decisions about entitlement to enter or remain in the UK, or removal from the UK.

22 See para 19 of the Memorandum.

- **clause 4(5) (about fees and charges) is removed, unless the Government can provide full justification for its inclusion and explain how they intend to use the power; and**

- **clause 4(6), which provides for the first set of regulations under clause 4(1) to be subject to the made affirmative procedure, is removed from the Bill.**

Part 2 - Social security co-ordination

Background

29. The EU Social Security Co-ordination Regulations ("the SSC Regulations") are five EU Regulations which co-ordinate access to social security for people moving between EEA countries (and Switzerland). They provide for a reciprocal framework which applies to EEA and UK citizens in the UK and in the EEA. Their primary function is to support free movement throughout the EEA.

30. The SSC Regulations—

- ensure an individual is only covered by the social security system of a single EEA country at any one time;

- provide that a person has the same rights and obligations as a national of the EEA country where they are covered;

- provide for an EEA country to consider periods of work, insurance or residence in another EEA country when determining entitlement to benefits (which is known as 'aggregation');

- enable an individual to receive benefits from one EEA country even if they are resident in another EEA country.

Clause 5(1) - power to modify retained direct EU legislation relating to social security co-ordination

31. The SSC Regulations form part of the body of UK law known as "retained EU law" by virtue of the EUWA 2018. Clause 5(1) of the Bill confers power on "an appropriate authority"[23] to make regulations which modify the retained EU law versions of the SSC Regulations.

32. The power in clause 5(1) is widened further by clause 5(3), which provides that regulations made under the power in clause 5(1) may—

- make supplementary, incidental, consequential, transitional, transitory or saving provision;

- make different provision for different categories of person to whom they apply;

- make different provision for different purposes;

- provide for a person "to exercise a discretion in dealing with any matter".

23 For these purposes, "appropriate authority" means (a) the Secretary of State or the Treasury, (b) a Northern Ireland department, or (c) a Minister of the Crown acting jointly with a Northern Ireland department.

33. Clause 5(4) provides that the power to make supplementary, incidental, consequential, transitional, transitory or saving provision includes power—

- to modify any provision made by, or under, primary legislation (making this a Henry VIII power); and
- to modify retained direct EU legislation (including "retained direct principal EU legislation").

34. The power to make different provision for different categories of person includes power to do so by reference to their nationality, their date of arrival in the UK, their immigration status or otherwise. This means that Ministers could, for example, stipulate in the regulations that pensions or other benefits are to be exported to UK nationals living in an EEA country, but not to EEA citizens living outside the UK even if they have paid contributions while working in the UK.

35. Clause 5(5) further broadens the power in clause 5(1): it provides that any EU rights and obligations which form part of "retained EU law" by virtue of section 4 of the EUWA 2018[24] simply cease to be recognised and available in domestic law in so far as they are "inconsistent with, or are otherwise capable of affecting the interpretation, application or operation of, provision made by regulations under [clause 5]."

36. According to the Explanatory Notes to the Bill—

> "[Clause 5] allows the Government (and/or, where appropriate, a Northern Ireland department) to make regulations to implement any new policies regarding co-ordination of social security. This clause is intended to be used to implement new policies subject to the outcome of future negotiations with the EU".[25]

37. The Explanatory Notes also helpfully explain that the power in clause 5(1) will not be exercised in relation to the cohort of citizens which, under the UK-EU Withdrawal Agreement, continue to be subject to the existing rules after the end of the transition period—

> "The UK-EU Withdrawal Agreement (and equivalent provisions in the EEA EFTA and Swiss citizens' rights agreements) establishes a cohort of citizens to whom the EU's [social security co-ordination] rules will continue to apply after the end of the transition period, no matter what the future relationship covers or whether a future relationship is agreed. This cohort primarily consists of EEA citizens living or working in the UK, and UK nationals living or working in the EEA, at the end of the transition period… Changes to the rules on [social security co-ordination] made under this Bill will not be applied to this group for as long as they remain in scope of the Withdrawal Agreement. The EUWAA 2020 also protects the social security position of individuals who have lived and worked between the UK and the EEA by the end of the transition period".[26]

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24 Section 4 makes provision with respect to EU-derived "rights, powers, liabilities, obligations, restrictions, remedies and procedures" which are recognised and available in UK domestic law by virtue of section 2(1) of the European Communities Act 1972.

25 See para 42 of the Explanatory Notes.

26 See para 17 of the Explanatory Notes.

Justification for the delegation

38. The Memorandum provides the following justification for the power in clause 5(1)—

> "This power is necessarily broad so as to enable an appropriate authority to respond flexibly to the outcome of negotiations on the future framework and make changes to the retained social security co-ordination rules. These rules cover a wide range of issues and, in developing a framework for future social security co-ordination policy, the following matters may be under consideration:
>
> - the extent to which UK nationals or EEA citizens can export certain benefits and pensions if they move to an EEA State; and
> - the administration and rules which govern entitlement and obligations when people live and work in more than one country.
>
> This power will provide the appropriate authorities with the ability to deliver a range of policy options from the end of the transition period in any or all of these areas.
>
> Although this is a wide power, it can only be used to modify retained direct EU legislation relating to social security co-ordination and to make supplementary, incidental, consequential, transitional, transitory or saving provision to primary legislation or retained direct EU legislation". [27]

39. By the Government's own admission, this is a "wide power" which is intended to give Ministers "the ability to deliver a range of policy options". The Explanatory Notes confirm that clause 5, "allows the Government to make regulations to implement any new policies regarding co-ordination of social security"[28]. When the Government seek to qualify this by emphasising in the Memorandum that the power can "only be used to modify retained direct EU legislation relating to social security co-ordination and to make supplementary, incidental, consequential, transitional, transitory or saving provision to primary legislation or retained direct EU legislation", this downplays what is a significant open-ended power.

40. Neither the Memorandum nor the Explanatory Notes fully explain:

- how the clause 5(1) power fits with (a) the provision that is made about social security co-ordination in the EUWAA 2020, and (b) the existing very broad powers under the EUWA 2018, which can be used to make regulations to ensure that the SSC Regulations operate effectively in UK law after the end of the transition period;
- how the Government might seek to use the power;
- why it includes a power to amend primary legislation and retained direct EU legislation other than the SSC Regulations;
- why the power is not time limited;
- why Ministers will have no duty to consult before making regulations.

27 See paras 30 to 32 of the Memorandum.
28 See para 42 of the Explanatory Notes.

41. We have repeatedly made it clear that, if a Bill (or part of a Bill) is wholly or mainly a skeleton Bill (or part), we expect a full justification for the decision to adopt that structure of powers.[29] Part 2 of the Bill is a skeleton part and the Government have not provided a full justification for it.

42. The impression is that the Government are seeking these powers in order to avoid:

- having to prepare a detailed Bill implementing their policy once it is settled and any future arrangements with the EU are concluded; and
- then submitting that Bill for full Parliamentary scrutiny.

43. Although the affirmative procedure would apply to the power in clause 5, this cannot remedy an inappropriate delegation of legislative power.

44. **We remain of the view, expressed in our earlier Report, that the Government have provided an inadequate justification for a wholesale transfer to Ministers of power to legislate in a field that could have a major impact on large numbers of UK citizens resident in EEA countries, and EEA citizens resident in the UK, who currently rely upon reciprocal arrangements.**

Accordingly, we remain of the view that clause 5 should be omitted from the Bill on the ground that it contains an inappropriate delegation of power.

Conclusion

45. Like the Medicines and Medical Devices Bill,[30] on which we very recently reported, this is a Brexit-related Bill which adopts a 'skeleton bill' approach, conferring wide delegated powers to make the law that is to apply after the transition period. **We wish to repeat the following statement of the House of Lords Constitution Committee (expressed in its recent report on the delegation of powers[31]), with which we fully agree—**

> **"Skeleton bills inhibit parliamentary scrutiny and we find it difficult to envisage any circumstances in which their use is acceptable. The Government must provide an exceptional justification for them".**

46. Like the Bill before us now, the Medicines and Medical Devices Bill conferred very broad delegated powers to make changes to legislation that had been put in place to implement EU law requirements. We noted that this gave rise to questions about whether aspects of the regulatory regimes that that Bill left to be provided for in regulations might be considered sufficiently important to merit inclusion on the face of the Bill, where they would be subject to much greater Parliamentary scrutiny. We said—

> "By leaving almost everything about those regulatory regimes to be provided for by Ministers in regulations under the new powers–and little or nothing to be settled under the fuller scrutiny given to Bill

29 Delegated Powers and Regulatory Reform Committee, Guidance for Departments (July 2014), para 36.
30 Delegated Powers and Regulatory Reform Committee, 19th Report, Session 2019–21, HL Paper 109.
31 Constitution Committee, *The Legislative Process: The Delegation of Powers*, 16th Report, Session 2017–19, HL Paper 225, para 58.

provisions–the Bill could be seen as effecting a significant transfer of powers from the EU to Ministers, bypassing Parliament".[32]

47. **We are concerned that the Bill before us now—which leaves so much of the post-transition period regimes for immigration and social security co-ordination to be provided for in regulations—could be seen as effecting a similar transfer of powers from the EU to Ministers, bypassing Parliament.**

32 Delegated Powers and Regulatory Reform Committee, 19th Report, Session 2019–21, HL Paper 109, para 23.

APPENDIX 1: MEMBERS' INTERESTS

Committee Members' registered interests may be examined in the online Register of Lords' Interests at https://www.parliament.uk/hlregister. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 29 July 2020 Members declared no interests.

Attendance

The meeting was attended by Baroness Andrews, Lord Blencathra, Baroness Browning, Lord Haskel, Baroness Meacher, Lord Rowlands, Lord Thurlow and Lord Tope.